

FILED 09 MAR 03 11:22AM CDT
2009 MAR 03 11:22AM CDT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KEVIN OTTERSON,

Plaintiff,

v.

ORDER

FEDERAL EXPRESS CORPORATION,
KINKO'S INC., FEDEX KINKO'S OFFICE
AND PRINT SERVICES, INC., and DOES
3-10,

Civil No. 07-1274-PK

Defendants.

HAGGERTY, District Judge:

Magistrate Judge Papak referred to this court a Findings and Recommendation [67] in this action. The Findings and Recommendation recommends that plaintiff's Motion for Summary Judgment [44] be denied. The Findings and Recommendation also recommends that

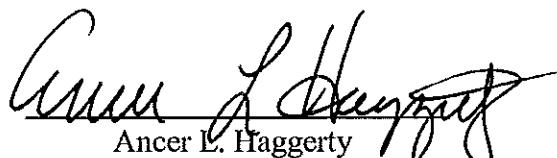
the Motion for Summary Judgment [32] filed by FedEx, Kinko's Inc., and FedEx Kinko's Office and Print Services, Inc. be granted. No objections were filed.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B). *See also* Fed. R. Civ. P. 72(b). When no timely objections are filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974).

This court has examined the pending motion and the underlying record. No clear error appears on the face of the record. The Findings and Recommendation is, therefore, adopted. Accordingly, plaintiff's Motion for Summary Judgment [44] is DENIED and defendants' Motion for Summary Judgment [32] is GRANTED. Plaintiff's remaining claim is remanded to the Circuit Court of the State of Oregon, County of Multnomah, for further proceedings.

IT IS SO ORDERED.

DATED this 3 day of March, 2009.



Ancer L. Haggerty
United States District Judge